

### **REMARKS**

Claims 1-29 are pending in the Application. All claims stand rejected.

#### **Declaration**

The enclosed Declaration of Wayne Zachary corrects defects noted by the Examiner. The Declaration is identified by application number and filing date.

Further comments regarding Dr. Zachary's Declaration and declarations of the other two inventors are provided below.

#### **Rejections under 35 U.S.C. § 102(a)**

Claims 1-29 have been rejected under 35 U.S.C. §102(a) as being clearly anticipated by Zachary et al. (CHI Systems Technical Report 001004.9915, entitled *Developing a Multi-Tasking Cognitive Agent Using the Cognet/iGen Integrative Architecture*).

In a situation where a reference fully describes the claimed invention and the applicant is the author and it was published or patented less than one year prior to the filing date of the application, the reference cannot be used against applicant since it does not satisfy the 1-year time requirement of 35 U.S.C. §102 (b). If the author is an entity different from applicant, the reference is prior art under 35 U.S.C. §102 (b) or (e), unless an affidavit under 37 CFR 1.132 is submitted to show that the relevant portions of the reference originated with or were obtained from applicant. MPEP §716.10.

The Examiner has listed relevant portions of Technical Report 001004.9915 in paragraph 4 of the Office Action. Accordingly, all inventors have executed Rule 132 Declarations stating that the relevant portions of the reference originated with or were obtained from them. The portions of the Report referred to in the Declarations are those that are cited by the Examiner.

The Declarations also apply to Technical Report 000709.00001-05. The relevant portions of that Report are Sections 4 and 5. More particularly, claim elements can

be found on pages 17-19, 20-24, 30-31 and 34-47, and Figured 3 and 5-1. Technical Report 000709.00001-05 is submitted herewith pursuant to an Information Disclosure Statement.

The Rule 132 Declarations evidence that the inventive entity of the application is the same as that for the material disclosed in Technical Reports 001004.9915 and 000709.00001-05.

As the submitted Rule 132 Declarations overcome Technical Report 001004.9915 as prior art, the Examiners 102(a) rejections are moot, and therefore are not addressed.

### **Response to Arguments**

In paragraph 23 of the Office Action the Examiner states that Applicants have not cited case law to support their position presented on Page 3, first full paragraph of the July 31, 2006 Office Action response.

An uncontradicted "unequivocal statement" from the applicant regarding the subject matter disclosed in an article, patent, or published application will be accepted as establishing inventorship. *In re DeBaun*, 687 F.2d 459, 463, 214 USPQ 933, 936 (CCPA 1982). Accordingly, Declarations by the inventors regarding the inventive entity of the Technical Report should be accepted to establish inventorship, and in particular, that the inventive entity of that which is disclosed in the Technical Report is the same as for the present application.

Furthermore, where there is a published article identifying the authorship or a patent or an application publication identifying the inventorship that discloses subject matter being claimed in an application undergoing examination, the designation of authorship or inventorship does not raise a presumption of inventorship with respect to the subject matter disclosed in the article. MPEP §716.10.

### **Requirement for Information under 37 CFR 1.105**

The Examiner has made three requests for information. The first is to indicate which portions of the two documents are attributed to Wayne Zachary. In light of the additional two 132 declarations, only identifying portions attributable to Wayne Zachary

would likely not be sufficient for the Examiner's purpose. Accordingly, Applicants state that the Technical Report 000709.00001-05 portions identified above are attributable to Wayne Zachary, Vassil Iordanov and JC LeMentec. The Applicants further state that the Technical Report 001004.9915 portions identified by the Examiner are attributable to Wayne Zachary, Vassil Iordanov and JC LeMentec. The Examiner can now conclude that inventorship of that which is claimed and that which is disclosed in the references is the same, and thus the references are not prior art to the present application.

The Examiner further requests identification of the claim limitations disclosed by portions attributable to Dr. Zachary and further, which claim limitations are disclosed by portions not attributable to Dr. Zachary. Although this request is apparently no longer necessary in light of the declarations that show the inventive entity is the same for the references as for the present application, Applicants have responded in the event the Examiner disagrees. Applicants have attached a chart showing specifically which claim elements are attributable to which inventors to the inventors' best ability to identify such. Claim elements are readily identifiable in the portions indicated above and by the Examiner.

### Conclusion

The Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned.

Date: 3/5/07

Respectfully submitted,  
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